

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SNM-02 DEAE-00 JUSE-00 SCA-01

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R 210812Z MAR 75

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 1351

AMEMBASSY PARIS

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DEPT PASS TO S/NM

PARIS PASS TO DEA

E.O. 11652: N/A

TAGS: CPRS, PFOR, SNAR, SP, FR

SUBJ: EXTRADITION: JOSE JIMENEZ CENTOR

REF: A) STATE 55724 B) PARIS 6258

1. BEFORE APPROACHING GOS AUTHORITIES ABOUT EXTRADITION OF JIMENEZ, EMBASSY WISHES TO BRING TO DEPT'S ATTENTION THE FOLLOWING OBSERVATIONS.

2. JIMENEZ, A SPANISH CITIZEN, HAS A CRIMINAL RECORD IN SPAIN, HAVING SERVED SIXTEEN MONTHS OF A TWO-YEAR SENTENCE ON AN EARLIER NARCOTIC CHARGE IN 1970-71. GOS HAS REQUESTED EXTRADITION IN PRESENT INSTANCE FOR MURDER CHARGE. ALTHOUGH LOCAL POLICE REPORT POSSIBILITY THAT JIMENEZ MIGHT EVADE FULL PENALTY FOR MURDER INsofar AS MURDER MAY HAVE INVOLVED SELF-DEFENSE, HIS PREVIOUS CRIMINAL RECORD WILL UNDOUBTEDLY PLAY A ROLE IN OURT'S JUDGMENT OF CASE. MURDER CHARGE IN SPAIN IS CUSTOMARILY CONSIDERED OF HIGHER PRECEDENCE THAN ONE INVOLVING ILLICIT NARCOTICS TRAFFIC, HOWEVER SERIOUS THE LATTER MIGHT BE.

3. GOF HAS ALREADY GRANTED GOS REQUEST FOR EXTRADITION
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FOR THIS SPANISH CITIZEN ACCUSED OF MURDER IN SPAIN. IN THE

CIRCUMSTANCES, IT IS HIGHLY QUESTIONABLE THAT THE GOS, WHICH HAS ALREADY BEGUN LEGAL PROCEEDINGS TO PROSECUTE JIMENEZ, WOULD RELINQUISH JURISDICTION TO A THIRD COUNTRY FOR A SEEMINGLY LESS HEINOUS CRIME, ESPECIALLY WITH RESPECT TO ONE OF ITS OWN CITIZENS, LOCAL JUDICIAL SYSTEM, WHICH IS POLITICALLY MOST INDEPENDENT BRANCH OF GOVT, COULD BE EXPECTED TO RESIST DECISION. GOS WOULD BE RELUCTANT TO APPEAR AS IF IT HAD SOMEHOW BOWED TO U.S. PRESSURES.

4. IN LIEU OF ASKING GOS TO WITHDRAW EXTRADITION REQUEST ALREADY GRANTED BY GOF, WE RECOMMEND THAT EMBASSY LIMIT ITS APPROACH TO GOS AT THIS TIME TO AN INFORMAL INQUIRY ABOUT ITS EXTRADITION REQUEST, BACKGROUND, AND POSSIBILITY OF SENTENCE IN SPAIN, TOGETHER WITH AN INDICATION OF U.S. INTEREST IN JIMENEZ. THIS INFO COULD THEN BE EVALUATED AGAINST ALTERNATE CHANCES OF CONVICTION AND SENTENCE IN U.S. AND ADVISABILITY OF A MORE FORMAL APPROACH ALONG LINES IN REF A.

5. WE DO NOT BELIEVE EMBASSY SHOULD BECOME INVOLVED IN A PERHAPS FUTILE ATTEMPT TO EXTRADITE A SPANISH CITIZEN FROM ANOTHER COUNTRY -- AN UNCUSTOMARY PROCEDURE IN CONTEXT OF US/GOS EXTRADITION MATTERS -- AND COMPROMISE THEREBY OUR CREDIBILITY IN PRESSING OTHER CURRENT EXTRADITION CASES INVOLVING NON-SPANIARDS INDICTED FOR LARGE-SCALE DRUGS TRAFFIC, E.G., FRANCOIS ROSSI.
STABLER

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